

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 25

FINAL READING

(SECOND)

Introduced by Langemeier, 23

Read first time January 4, 2007

Committee: Agriculture

A BILL

1 FOR AN ACT relating to rabies; to amend sections 71-4401, 71-4402,
2 71-4403, 71-4404, 71-4405, 71-4406, 71-4407, 71-4408,
3 71-4409, 71-4410, and 71-4412, Reissue Revised Statutes
4 of Nebraska; to define and redefine terms; to require
5 vaccination of hybrid animals; to prohibit ownership
6 of hybrid animals as prescribed; to change penalties;
7 to provide for rules and regulations; to harmonize
8 provisions; and to repeal the original sections.

9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-4401, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-4401 For purposes of sections 71-4401 to 71-4412
4 and sections 3 and 4 of this act, unless the context otherwise
5 requires:

6 (1) Domestic animal ~~shall mean~~ means any dog or cat, and
7 cat ~~shall mean~~ means a cat which is a household pet;

8 (2) Vaccination against rabies ~~shall mean~~ means the
9 inoculation of a domestic or hybrid animal with a rabies vaccine
10 as approved by the rules and regulations adopted and promulgated
11 by the Department of Health and Human Services Regulation and
12 Licensure. Such vaccination shall be performed by a veterinarian
13 duly licensed to practice veterinary medicine in the State of
14 Nebraska;

15 (3) Compendium ~~shall mean~~ means the compendium of animal
16 rabies vaccine as provided by the National Association of State
17 Public Health Veterinarians;

18 (4) Department ~~shall mean~~ means the Department of Health
19 and Human Services Regulation and Licensure;

20 (5) Hybrid animal means any animal which is the product
21 of the breeding of a domestic dog with a nondomestic canine
22 species;

23 ~~(5)~~ (6) Own, unless otherwise specified, ~~shall mean~~ means
24 to possess, keep, harbor, or have control of, charge of, or custody
25 of a domestic or hybrid animal. This term ~~shall~~ does not apply

1 to domestic or hybrid animals owned by other persons which are
 2 temporarily maintained on the premises of a veterinarian or kennel
 3 operator for a period of not more than thirty days;

4 ~~(6)~~ (7) Owner ~~shall mean~~ means any person possessing,
 5 keeping, harboring, or having charge or control of any domestic
 6 or hybrid animal or permitting any domestic or hybrid animal to
 7 habitually be or remain on or be lodged or fed within such person's
 8 house, yard, or premises. This term ~~shall~~ does not apply to
 9 veterinarians or kennel operators temporarily maintaining on their
 10 premises domestic or hybrid animals owned by other persons for a
 11 period of not more than thirty days; and

12 ~~(7)~~ (8) Rabies control authority ~~shall mean~~ means county,
 13 township, city, or village health and law enforcement officials who
 14 shall enforce sections 71-4401 to 71-4412 and sections 3 and 4 of
 15 this act relating to the vaccination and impoundment of domestic
 16 or hybrid animals. Such public officials ~~shall not be~~ are not
 17 responsible for any accident or disease of a domestic or hybrid
 18 animal resulting from the enforcement of such sections.

19 Sec. 2. Section 71-4402, Reissue Revised Statutes of
 20 Nebraska, is amended to read:

21 71-4402 (1) Every domestic animal in the State of
 22 Nebraska shall be vaccinated against rabies with a licensed
 23 vaccine and ~~shall be~~ revaccinated at intervals specified by
 24 rules and regulations adopted and promulgated by the department.
 25 Young domestic animals shall be initially vaccinated at the age

1 specified in such rules and regulations. Unvaccinated domestic
2 animals acquired or moved into the State of Nebraska shall be
3 vaccinated within thirty days after purchase or arrival unless
4 under the age for initial vaccination.

5 (2) The rabies vaccine used to vaccinate domestic
6 animals pursuant to this section shall be sold only to licensed
7 veterinarians.

8 ~~(3) The department shall adopt and promulgate rules~~
9 ~~and regulations for the control and prevention of rabies. Such~~
10 ~~rules and regulations shall generally comply with the compendium~~
11 ~~and the recommendations of the United States Public Health~~
12 ~~Service. The department may consider changes in the compendium~~
13 ~~and recommendations of the United States Public Health Service when~~
14 ~~adopting and promulgating such rules and regulations.~~

15 Sec. 3. (1) Except as provided in subsection (3) of this
16 section, every hybrid animal in the State of Nebraska shall be
17 vaccinated against rabies and shall be revaccinated at intervals
18 specified by rules and regulations adopted and promulgated by the
19 department. A young hybrid animal shall be initially vaccinated at
20 the age specified in such rules and regulations. An unvaccinated
21 hybrid animal acquired or moved into the State of Nebraska shall
22 be vaccinated within thirty days after purchase or arrival unless
23 under the age for initial vaccination.

24 (2) The rabies vaccine used to vaccinate a hybrid
25 animal pursuant to this section shall be sold only to licensed

1 veterinarians.

2 (3) An owner of a hybrid animal in this state prior
3 to the date of development of a licensed vaccine determined
4 scientifically to be reliable in preventing rabies in a hybrid
5 animal shall have one year after such date to comply with this
6 section.

7 Sec. 4. The department shall adopt and promulgate rules
8 and regulations for the control and prevention of rabies. Such
9 rules and regulations shall generally comply with the compendium
10 and the recommendations of the United States Public Health
11 Service. The department may consider changes in the compendium
12 and recommendations of the United States Public Health Service when
13 adopting and promulgating such rules and regulations.

14 Sec. 5. Section 71-4403, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 71-4403 It shall be the duty of each veterinarian, at the
17 time of vaccinating any domestic or hybrid animal, to complete a
18 certificate of rabies vaccination which shall include, but not be
19 limited to, the following information:

20 (1) The owner's name and address;

21 (2) An adequate description of the domestic or hybrid
22 animal, including, but not limited to, such items as the domestic
23 or hybrid animal's breed, sex, age, name, and distinctive markings;

24 (3) The date of vaccination;

25 (4) The rabies vaccination tag number;

- 1 (5) The type of rabies vaccine administered;
- 2 (6) The manufacturer's serial number of the vaccine used;
- 3 and
- 4 (7) The site of vaccination.

5 Such veterinarian shall issue a tag with the certificate
6 of vaccination.

7 Sec. 6. Section 71-4404, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 71-4404 The cost of rabies vaccination shall be borne by
10 the owner of the domestic or hybrid animal.

11 Sec. 7. Section 71-4405, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 71-4405 (1) The provisions of sections 71-4401 to 71-4412
14 and sections 3 and 4 of this act with respect to vaccination
15 shall not apply to any domestic or hybrid animal owned by a
16 person temporarily remaining within the State of Nebraska for less
17 than thirty days, to any domestic or hybrid animal brought into
18 the State of Nebraska for field trial or show purposes, or to
19 any domestic or hybrid animal brought into the state for hunting
20 purposes for a period of less than thirty days. Such domestic or
21 hybrid animals shall be kept under strict supervision of the owner.
22 It shall be unlawful to bring any domestic or hybrid animal into
23 the State of Nebraska which does not comply with the animal health
24 laws and import rules and regulations of the State of Nebraska
25 which are applicable to domestic or hybrid animals.

1 (2) Domestic or hybrid animals assigned to a research
2 institution or a similar facility shall be exempt from sections
3 71-4401 to 71-4412 and sections 3 and 4 of this act.

4 Sec. 8. Section 71-4406, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 71-4406 (1) Any animal which is owned by a person and has
7 bitten any person or caused an abrasion of the skin of any person
8 shall be seized by the rabies control authority for a period of not
9 less than ten days if:

10 (a) The animal is suspected of having rabies, regardless
11 of the species and whether or not the animal has been vaccinated;

12 (b) The animal is not vaccinated and is of a species
13 determined by the department to be a rabid species; or

14 (c) The animal is of a species which has been determined
15 by the department to be a rabid species not amenable to rabies
16 protection by immunization, whether or not such animal has been
17 vaccinated.

18 If, after observation and examination by a veterinarian,
19 at the end of the ten-day period the animal shows no clinical signs
20 of rabies, the animal may be released to its owner.

21 (2)(a) Except as provided in subdivision (b) of this
22 subsection, whenever any person has been bitten or has an abrasion
23 of the skin caused by an animal owned by another person, which
24 animal has been vaccinated in accordance with section 71-4402 and
25 section 3 of this act, or if such injury to a person is caused by

1 an owned animal determined by the department to be a rabid species
2 amenable to rabies protection by immunization which has been
3 vaccinated, such animal shall be confined by the owner or other
4 responsible person as required by the rabies control authority for
5 a period of at least ten days and shall be observed and examined by
6 a veterinarian at the end of such ten-day period. If no clinical
7 signs of rabies are found by the veterinarian, such animal may be
8 released from confinement.

9 (b) A vaccinated animal owned by a law enforcement or
10 governmental military agency which bites or causes an abrasion of
11 the skin of any person during training or the performance of the
12 animal's duties may be confined as provided in subdivision (a) of
13 this subsection. Such agency shall maintain ownership of and shall
14 control and supervise the actions of such animal for a period of
15 fifteen days following such injury. If during such period the death
16 of the animal occurs for any reason, a veterinarian shall within
17 twenty-four hours of the death examine the tissues of the animal
18 for clinical signs of rabies.

19 (3) Any animal of a rabid species which has bitten a
20 person or caused an abrasion of the skin of a person and which
21 is unowned or the ownership of which cannot be determined within
22 seventy-two hours of the time of the bite or abrasion shall be
23 immediately subject to any tests which the department believes are
24 necessary to determine whether the animal is afflicted with rabies.
25 The seventy-two-hour period shall include holidays and weekends

1 and shall not be extended for any reason. The tests required by
2 this subsection may include tests which require the animal to be
3 destroyed.

4 Sec. 9. Section 71-4407, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 71-4407 In the case of domestic or hybrid animals known
7 to have been bitten by a rabid animal, the following rules shall
8 apply:

9 (1) If the bitten or exposed domestic or hybrid animal
10 has not been vaccinated in accordance with section 71-4402 and
11 section 3 of this act, such bitten or exposed domestic or hybrid
12 animal shall be immediately destroyed unless the owner is willing
13 to place such domestic or hybrid animal in strict isolation in a
14 kennel under veterinary supervision for a period of not less than
15 six months; and

16 (2) If the bitten or exposed domestic or hybrid animal
17 has been vaccinated in accordance with section 71-4402 and section
18 3 of this act, such domestic or hybrid animal shall be subject to
19 the following procedure: (a) Such domestic or hybrid animal shall
20 be immediately revaccinated and confined for a period of not less
21 than thirty days following vaccination; (b) if such domestic or
22 hybrid animal is not immediately revaccinated, such domestic or
23 hybrid animal shall be confined in strict isolation in a kennel
24 for a period of not less than six months under the supervision
25 of a veterinarian; or (c) such domestic or hybrid animal shall be

1 destroyed if the owner does not comply with either subdivision (a)
2 or (b) of this subdivision.

3 Sec. 10. Section 71-4408, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 71-4408 (1) The rabies control authority may authorize an
6 animal pound or pounds or may enter into a cooperative agreement
7 with a licensed veterinarian for the establishment and operation of
8 a pound.

9 (2) Any dog or hybrid of the family Canidae found
10 outside the owner's premises whose owner does not possess a valid
11 certificate of rabies vaccination and valid rabies vaccination
12 tag for such dog or hybrid of the family Canidae shall be
13 impounded. The rabies control authority may require the impoundment
14 of domestic or hybrid animals other than dogs or hybrids of the
15 family Canidae. All impounded domestic or hybrid animals shall
16 be given proper care, treatment, and maintenance. Each impounded
17 domestic or hybrid animal shall be kept and maintained at the pound
18 for a period of not less than seventy-two hours unless reclaimed
19 earlier by the owner.

20 (3) Notice of impoundment of all animals, including any
21 significant marks of identification, shall be posted at the pound
22 as public notification of impoundment. Any unvaccinated domestic or
23 hybrid animal may be reclaimed by its owner during the period of
24 impoundment by payment of prescribed pound fees and by complying
25 with the rabies vaccination requirement of sections 71-4401 to

1 71-4412 and sections 3 and 4 of this act within seventy-two hours
2 of release. Any vaccinated domestic or hybrid animal impounded
3 because its owner has not presented a valid certificate of rabies
4 vaccination and a valid rabies vaccination tag for such domestic
5 or hybrid animal may be reclaimed by its owner by furnishing proof
6 of rabies vaccination and payment of all impoundment fees prior to
7 release.

8 (4) At the expiration of impoundment, a domestic or
9 hybrid animal may be claimed by payment of established pound
10 fees and by compliance with the rabies vaccination requirement of
11 sections 71-4401 to 71-4412 and sections 3 and 4 of this act within
12 seventy-two hours of release. If the domestic or hybrid animal is
13 unclaimed at the end of five days, the authorities may dispose of
14 the domestic or hybrid animal in accordance with applicable laws or
15 rules and regulations.

16 Sec. 11. Section 71-4409, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 71-4409 The rabies control authority shall enforce
19 sections 71-4401 to 71-4412 and sections 3 and 4 of this act.

20 In the event that the health and law enforcement
21 officials of a county, township, city, or village fail to act
22 with sufficient promptness in enforcing sections 71-4401 to 71-4412
23 and sections 3 and 4 of this act, the department may take all
24 actions necessary for the proper administration and enforcement of
25 such sections relating to vaccination and impoundment of domestic

1 or hybrid animals. In such a case no authorized representatives
2 of the department or any law enforcement officials enforcing such
3 sections shall be responsible for any accident or disease of a
4 domestic or hybrid animal resulting from the enforcement of such
5 sections.

6 Sec. 12. Section 71-4410, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 71-4410 The owner of any domestic or hybrid animal or any
9 person who violates any of the provisions of sections 71-4401 to
10 71-4412 and sections 3 and 4 of this act shall be guilty of a Class
11 V misdemeanor. When the owner of any domestic or hybrid animal or
12 other animal fails or refuses to comply with section 71-4406 or
13 71-4407, the rabies control authority shall obtain an order for
14 seizure of such animal pursuant to Chapter 29, article 8.

15 Sec. 13. Section 71-4412, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 71-4412 In the State of Nebraska, all laws, ordinances,
18 codes, or rules and regulations concerning the control of rabies or
19 the vaccination of domestic or hybrid animals against rabies shall
20 be enforced by the county, township, city, and village health and
21 law enforcement officials or those other officers with regulatory
22 authority as specified by the governing political subdivisions.

23 Whenever a county, township, city, or village requires
24 the licensure of domestic or hybrid animals, it may require that,
25 before a license is issued for the possession or maintenance of any

1 domestic or hybrid animal in any such county, township, city, or
2 village, the owner or keeper of the domestic or hybrid animal shall
3 furnish to the clerk of such political subdivision a certification
4 that the domestic or hybrid animal has been vaccinated against
5 rabies in accordance with sections 71-4401 to 71-4412 and sections
6 3 and 4 of this act.

7 Sec. 14. Original sections 71-4401, 71-4402, 71-4403,
8 71-4404, 71-4405, 71-4406, 71-4407, 71-4408, 71-4409, 71-4410, and
9 71-4412, Reissue Revised Statutes of Nebraska, are repealed.